

to chapter 5B (§669 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 669 of this title and Tables.

The Federal Aid in Fish Restoration Act, as amended, referred to in text, is act Aug. 9, 1950, ch. 658, 64 Stat. 430, as amended, which is classified generally to chapter 10B (§777 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 777 of this title and Tables.

The Land and Water Conservation Fund Act of 1965, referred to in text, is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§460/-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460/-4 of this title and Tables.

The Commercial Fisheries Research and Development Act of 1964, referred to in text, is Pub. L. 88-309, May 20, 1964, 78 Stat. 197, as amended, which was classified generally to chapter 10D (§779 et seq.) of this title, was repealed by Pub. L. 99-659, title III, §309, Nov. 14, 1986, 100 Stat. 3736.

The Anadromous and Great Lakes Fisheries Conservation Act of October 30, 1965, referred to in text, probably means the Anadromous Fish Conservation Act, Pub. L. 89-304, Oct. 30, 1965, 79 Stat. 1125, as amended, which is classified generally to sections 757a to 757g of this title. For complete classification of this Act to the Code, see Short Title note set out under section 757a of this title and Tables.

§ 1226. Federal agency authority to carry out Federal project within an estuary unaffected

Nothing in this chapter shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

(Pub. L. 90-454, §6, Aug. 3, 1968, 82 Stat. 628.)

CHAPTER 27—NATIONAL TRAILS SYSTEM

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 460iii–5, 1261 of this title.

§ 1241. Congressional statement of policy and declaration of purpose

(a) Considerations for determining establishment of trails

In order to provide for the ever-increasing outdoor recreation needs of an expanding population and in order to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation, trails should be established (i) primarily, near the urban areas of the Nation, and (ii) secondarily, within scenic areas and along historic travel routes of the Nation, which are often more remotely located.

(b) Initial components

The purpose of this chapter is to provide the means for attaining these objectives by instituting a national system of recreation, scenic and historic trails, by designating the Appalachian Trail and the Pacific Crest Trail as the initial components of that system, and by prescribing the methods by which, and standards according to which, additional components may be added to the system.

(c) Volunteer citizen involvement

The Congress recognizes the valuable contributions that volunteers and private, nonprofit trail groups have made to the development and maintenance of the Nation's trails. In recognition of these contributions, it is further the purpose of this chapter to encourage and assist volunteer citizen involvement in the planning, development, maintenance, and management, where appropriate, of trails.

(Pub. L. 90–543, §2, Oct. 2, 1968, 82 Stat. 919; Pub. L. 95–625, title V, §551(1)–(3), Nov. 10, 1978, 92

Stat. 3511; Pub. L. 98–11, title II, §202, Mar. 28, 1983, 97 Stat. 42.)

AMENDMENTS

1983—Subsec. (b). Pub. L. 98–11, §202(1), substituted "The" for "the" before "purpose".

Subsec. (c). Pub. L. 98–11, §202(2), added subsec. (c).
 1978—Subsec. (a). Pub. L. 95–625, §551(1), (2), inserted "the preservation of," and "and historic resources" after "promote" and "outdoor areas" and substituted "within scenic areas and along historic travel routes of the Nation, which are often more remotely located" for "within established scenic areas more remotely located".

Subsec. (b). Pub. L. 95–625, §551(3), substituted ", scenic and historic" for "and scenic".

SHORT TITLE OF 1993 AMENDMENTS

Pub. L. 103–145, §1, Nov. 17, 1993, 107 Stat. 1496, provided that: "This Act [amending section 1244 of this title] may be cited as the 'El Camino Real Para Los Texas Study Act of 1993'."

Pub. L. 103–144, §1, Nov. 17, 1993, 107 Stat. 1494, provided that: "This Act [amending section 1244 of this title] may be cited as the 'El Camino Real de Tierra Adentro Study Act of 1993'."

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101–365, §1, Aug. 15, 1990, 104 Stat. 429, provided that: "This Act [amending sections 1244 and 1249 of this title] may be cited as the 'Juan Bautista de Anza National Historic Trail Act'."

Pub. L. 101–321, §1, July 3, 1990, 104 Stat. 293, provided that: "This Act [amending section 1244 of this title] may be cited as the 'Selma to Montgomery National Trail Study Act of 1989'."

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100–559, title II, §201, Oct. 28, 1988, 102 Stat. 2797, provided that: "This title [amending section 1244 of this title] may be cited as the 'Coronado National Trail Study Act of 1988'."

Pub. L. 100–470, §1, Oct. 4, 1988, 102 Stat. 2281, provided that: "This Act [amending sections 1244 and 1248 of this title and enacting provisions set out as notes under section 1248 of this title] may be cited as the 'National Trails System Improvements Act of 1988'."

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100–187, §1, Dec. 11, 1987, 101 Stat. 1287, provided that: "This Act [amending section 1244 of this title] may be cited as the 'De Soto National Trail Study Act of 1987'."

SHORT TITLE OF 1983 AMENDMENT

Section 201 of title II of Pub. L. 98–11 provided that: "This title [enacting sections 1250 and 1251 of this title and amending this section and sections 1242 to 1247 and 1249 of this title] may be cited as the 'National Trails System Act Amendments of 1983'."

SHORT TITLE

Section 1 of Pub. L. 90–543 provided that: "This Act [enacting this chapter] may be cited as the 'National Trails System Act'."

§ 1242. National trails system

(a) Composition: recreation trails; scenic trails; historic trails; connecting or side trails; uniform markers

The national system of trails shall be composed of the following:

- (1) National recreation trails, established as provided in section 1243 of this title, which will provide a variety of outdoor recreation uses in or reasonably accessible to urban areas.

(2) National scenic trails, established as provided in section 1244 of this title, which will be extended trails so located as to provide for maximum outdoor recreation potential and for the conservation and enjoyment of the nationally significant scenic, historic, natural, or cultural qualities of the areas through which such trails may pass. National scenic trails may be located so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

(3) National historic trails, established as provided in section 1244 of this title, which will be extended trails which follow as closely as possible and practicable the original trails or routes of travel of national historical significance. Designation of such trails or routes shall be continuous, but the established or developed trail, and the acquisition thereof, need not be continuous onsite. National historic trails shall have as their purpose the identification and protection of the historic route and its historic remnants and artifacts for public use and enjoyment. Only those selected land and water based components of an historic trail which are on federally owned lands and which meet the national historic trail criteria established in this chapter are included as Federal protection components of a national historic trail. The appropriate Secretary may certify other lands as protected segments of an historic trail upon application from State or local governmental agencies or private interests involved if such segments meet the national historic trail criteria established in this chapter and such criteria supplementary thereto as the appropriate Secretary may prescribe, and are administered by such agencies or interests without expense to the United States.

(4) Connecting or side trails, established as provided in section 1245 of this title, which will provide additional points of public access to national recreation, national scenic or national historic trails or which will provide connections between such trails.

The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker for the national trails system.

(b) Extended trails

For purposes of this section, the term “extended trails” means trails or trail segments which total at least one hundred miles in length, except that historic trails of less than one hundred miles may be designated as extended trails. While it is desirable that extended trails be continuous, studies of such trails may conclude that it is feasible to propose one or more trail segments which, in the aggregate, constitute at least one hundred miles in length.

(c) Comprehensive plan submitted by Secretary of the Interior to Congress; revisions; content; consultation

On October 1, 1982, and at the beginning of each odd numbered fiscal year thereafter, the

Secretary of the Interior shall submit to the Speaker of the United States House of Representatives and to the President of the United States Senate, an initial and revised (respectively) National Trails System plan. Such comprehensive plan shall indicate the scope and extent of a completed nationwide system of trails, to include (1) desirable nationally significant scenic and historic components which are considered necessary to complete a comprehensive national system, and (2) other trails which would balance out a complete and comprehensive nationwide system of trails. Such plan, and the periodic revisions thereto, shall be prepared in full consultation with the Secretary of Agriculture, the Governors of the various States, and the trails community.

(Pub. L. 90-543, §3, Oct. 2, 1968, 82 Stat. 919; Pub. L. 95-625, title V, §551(4), (5), Nov. 10, 1978, 92 Stat. 3511, 3512; Pub. L. 98-11, title II, §203, Mar. 28, 1983, 97 Stat. 42.)

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-11, §203(1), (2), designated existing provisions as subsec. (a), redesignated former subsecs. (a) to (d) as pars. (1) to (4), respectively, and, in provisions preceding par. (1), substituted “shall be composed of the following:” for “shall be composed of—”.

Subsec. (a)(2). Pub. L. 98-11, §203(3), inserted provision authorizing the location of national scenic trails so as to represent desert, marsh, grassland, mountain, canyon, river, forest, and other areas, as well as landforms which exhibit significant characteristics of the physiographic regions of the Nation.

Subsec. (a)(3). Pub. L. 98-11, §203(4), (5), substituted “in this chapter are included as Federal” for “in this chapter, are established as initial Federal” in fourth sentence and struck out “subsequently” after “The appropriate Secretary may” in fifth sentence.

Subsecs. (b), (c). Pub. L. 98-11, §203(6), added subsecs. (b) and (c).

1978—Subsecs. (c), (d). Pub. L. 95-625, §551(4), (5), added subsec. (c), redesignated former subsec. (c) as (d), and substituted “, national scenic or national historic” for “or national scenic”.

§ 1243. National recreation trails; establishment and designation; prerequisites

(a) The Secretary of the Interior, or the Secretary of Agriculture where lands administered by him are involved, may establish and designate national recreation trails, with the consent of the Federal agency, State, or political subdivision having jurisdiction over the lands involved, upon finding that—

(i) such trails are reasonably accessible to urban areas, and, or

(ii) such trails meet the criteria established in this chapter and such supplementary criteria as he may prescribe.

(b) As provided in this section, trails within park, forest, and other recreation areas administered by the Secretary of the Interior or the Secretary of Agriculture or in other federally administered areas may be established and designated as “National Recreation Trails” by the appropriate Secretary and, when no Federal land acquisition is involved—

(i) trails in or reasonably accessible to urban areas may be designated as “National Recreation Trails” by the appropriate Secretary

with the consent of the States, their political subdivisions, or other appropriate administering agencies;

(ii) trails within park, forest, and other recreation areas owned or administered by States may be designated as "National Recreation Trails" by the appropriate Secretary with the consent of the State; and

(iii) trails on privately owned lands may be designated "National Recreation Trails" by the appropriate Secretary with the written consent of the owner of the property involved.

(Pub. L. 90-543, §4, Oct. 2, 1968, 82 Stat. 919; Pub. L. 98-11, title II, §204, Mar. 28, 1983, 97 Stat. 43.)

AMENDMENTS

1983—Subsec. (b)(i), (ii). Pub. L. 98-11, §204(1), substituted "appropriate Secretary" for "Secretary of the Interior".

Subsec. (b)(iii). Pub. L. 98-11, §204(2)-(4), added cl. (iii).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1242, 1261 of this title.

§ 1244. National scenic and national historic trails

(a) Establishment and designation; administration

National scenic and national historic trails shall be authorized and designated only by Act of Congress. There are hereby established the following National Scenic and National Historic Trails:

(1) The Appalachian National Scenic Trail, a trail of approximately two thousand miles extending generally along the Appalachian Mountains from Mount Katahdin, Maine, to Springer Mountain, Georgia. Insofar as practicable, the right-of-way for such trail shall comprise the trail depicted on the maps identified as "Nationwide System of Trails, Proposed Appalachian Trail, NST-AT-101-May 1967", which shall be on file and available for public inspection in the office of the Director of the National Park Service. Where practicable, such rights-of-way shall include lands protected for it under agreements in effect as of October 2, 1968, to which Federal agencies and States were parties. The Appalachian Trail shall be administered primarily as a footpath by the Secretary of the Interior, in consultation with the Secretary of Agriculture.

(2) The Pacific Crest National Scenic Trail, a trail of approximately two thousand three hundred fifty miles, extending from the Mexican-California border northward generally along the mountain ranges of the west coast States to the Canadian-Washington border near Lake Ross, following the route as generally depicted on the map, identified as "Nationwide System of Trails, Proposed Pacific Crest Trail, NST-PC-103-May 1967" which shall be on file and available for public inspection in the office of the Chief of the Forest Service. The Pacific Crest Trail shall be administered by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(3) The Oregon National Historic Trail, a route of approximately two thousand miles extending from near Independence, Missouri, to the vicinity of Portland, Oregon, following a route as depicted on maps identified as "Primary Route of the Oregon Trail 1841-1848", in the Department of the Interior's Oregon Trail study report dated April 1977, and which shall be on file and available for public inspection in the office of the Director of the National Park Service. The trail shall be administered by the Secretary of the Interior.

(4) The Mormon Pioneer National Historic Trail, a route of approximately one thousand three hundred miles extending from Nauvoo, Illinois, to Salt Lake City, Utah, following the primary historical route of the Mormon Trail as generally depicted on a map, identified as, "Mormon Trail Vicinity Map, figure 2" in the Department of the Interior Mormon Trail study report dated March 1977, and which shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(5) The Continental Divide National Scenic Trail, a trail of approximately thirty-one hundred miles, extending from the Montana-Canada border to the New Mexico-Mexico border, following the approximately route depicted on the map, identified as "Proposed Continental Divide National Scenic Trail" in the Department of the Interior Continental Divide Trail study report dated March 1977 and which shall be on file and available for public inspection in the office of the Chief, Forest Service, Washington, D.C. The Continental Divide National Scenic Trail shall be administered by the Secretary of Agriculture in consultation with the Secretary of the Interior. Notwithstanding the provisions of section 1246(c) of this title, the use of motorized vehicles on roads which will be designated segments of the Continental Divide National Scenic Trail shall be permitted in accordance with regulations prescribed by the appropriate Secretary.

(6) The Lewis and Clark National Historic Trail, a trail of approximately three thousand seven hundred miles, extending from Wood River, Illinois, to the mouth of the Columbia River in Oregon, following the outbound and inbound routes of the Lewis and Clark Expedition depicted on maps identified as, "Vicinity Map, Lewis and Clark Trail" study report dated April 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(7) The Iditarod National Historic Trail, a route of approximately two thousand miles extending from Seward, Alaska, to Nome, Alaska, following the routes as depicted on maps identified as "Seward-Nome Trail", in the Department of the Interior's study report entitled "The Iditarod Trail (Seward-Nome Route) and other Alaskan Gold Rush Trails" dated September 1977. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, D.C. The trail shall be administered by the Secretary of the Interior.

(8) The North Country National Scenic Trail, a trail of approximately thirty-two hundred miles, extending from eastern New York State to the

vicinity of Lake Sakakawea in North Dakota, following the approximate route depicted on the map identified as "Proposed North Country Trail-Vicinity Map" in the Department of the Interior "North Country Trail Report", dated June 1975. The map shall be on file and available for public inspection in the office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(9) The Overmountain Victory National Historic Trail, a system totaling approximately two hundred seventy-two miles of trail with routes from the mustering point near Abingdon, Virginia, to Sycamore Shoals (near Elizabethton, Tennessee); from Sycamore Shoals to Quaker Meadows (near Morganton, North Carolina); from the mustering point in Surry County, North Carolina, to Quaker Meadows; and from Quaker Meadows to Kings Mountain, South Carolina, as depicted on the map identified as Map 3—Historic Features—1780 in the draft study report entitled "Overmountain Victory Trail" dated December 1979. The map shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(10) The Ice Age National Scenic Trail, a trail of approximately one thousand miles, extending from Door County, Wisconsin, to Interstate Park in Saint Croix County, Wisconsin, generally following the route described in "On the Trail of the Ice Age—A Hiker's and Biker's Guide to Wisconsin's Ice Age National Scientific Reserve and Trail", by Henry S. Reuss, Member of Congress, dated 1980. The guide and maps shall be on file and available for public inspection in the Office of the Director, National Park Service, Washington, District of Columbia. Overall administration of the trail shall be the responsibility of the Secretary of the Interior pursuant to subsection (d) of this section. The State of Wisconsin, in consultation with the Secretary of the Interior, may, subject to the approval of the Secretary, prepare a plan for the management of the trail which shall be deemed to meet the requirements of subsection (e) of this section. Notwithstanding the provisions of section 1246(c) of this title, snowmobile use may be permitted on segments of the Ice Age National Scenic Trail where deemed appropriate by the Secretary and the managing authority responsible for the segment.

(11) The Potomac Heritage National Scenic Trail, a corridor of approximately seven hundred and four miles following the route as generally depicted on the map identified as "National Trails System, Proposed Potomac Heritage Trail" in "The Potomac Heritage Trail", a report prepared by the Department of the Interior and dated December 1974, except that no designation of the trail shall be made in the State of West Virginia. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall initially consist of only those segments of the corridor located within the exterior boundaries of federally administered areas. No lands

or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Potomac Heritage Trail. The Secretary of the Interior may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this chapter and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of the Interior.

(12) The Natchez Trace National Scenic Trail, a trail system of approximately six hundred and ninety-four miles extending from Nashville, Tennessee, to Natchez, Mississippi, as depicted on the map entitled "Concept Plan, Natchez Trace Trails Study" in "The Natchez Trace", a report prepared by the Department of the Interior and dated August 1979. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior.

(13) The Florida National Scenic Trail, a route of approximately thirteen hundred miles extending through the State of Florida as generally depicted in "The Florida Trail", a national scenic trail study draft report prepared by the Department of the Interior and dated February 1980. The report shall be on file and available for public inspection in the office of the Chief of the Forest Service, Washington, District of Columbia. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Florida Trail except with the consent of the owner thereof. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail, only upon application from the States or local governmental agencies involved, if such segments meet the criteria established in this chapter and are administered by such agencies without expense to the United States. The trail shall be administered by the Secretary of Agriculture.

(14) The Nez Perce National Historic Trail, a route of approximately eleven hundred and seventy miles extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana, as generally depicted in "Nez Perce (Nee-Me-Poo) Trail Study Report" prepared by the Department of Agriculture and dated March 1982. The report shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia. The trail shall be administered by the Secretary of Agriculture. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Nez Perce National Historic Trail. The Secretary of Agriculture may designate lands outside of federally administered areas as segments of the trail upon application from the States or local governmental agencies involved if such segments meet the criteria established in this chapter and are administered by such agencies without expense to the United States. So that significant route segments and sites recognized as associated with

the Nez Perce Trail may be distinguished by suitable markers, the Secretary of Agriculture is authorized to accept the donation of suitable markers for placement at appropriate locations. Any such markers associated with the Nez Perce Trail which are to be located on lands administered by any other department or agency of the United States may be placed on such lands only with the concurrence of the head of such department or agency.

(15) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled "The Santa Fe Trail" contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations.

(16)(A) The Trail of Tears National Historic Trail, a trail consisting of water routes and overland routes traveled by the Cherokee Nation during its removal from ancestral lands in the East to Oklahoma during 1838 and 1839, generally located within the corridor described through portions of Georgia, North Carolina, Alabama, Tennessee, Kentucky, Illinois, Missouri, Arkansas, and Oklahoma in the final report of the Secretary of the Interior prepared pursuant to subsection (b) of this section entitled "Trail of Tears" and dated June 1986. Maps depicting the corridor shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Trail of Tears except with the consent of the owner thereof.

(B) In carrying out his responsibilities pursuant to subsections¹ 1244(f) and 1246(c) of this title, the Secretary of the Interior shall give careful consideration to the establishment of appropriate interpretive sites for the Trail of Tears in the vicinity of Hopkinsville, Kentucky,

Fort Smith, Arkansas, Trail of Tears State Park, Missouri, and Tahlequah, Oklahoma.

(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment" and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Juan Bautista de Anza National Historic Trail without the consent of the owner thereof. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.

()² The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment" and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

()² The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled "California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment", and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.

¹ So in original. Probably should be "sections".

² So in original. Paragraph enacted without identifying number.

(b) Additional national scenic or national historic trails; feasibility studies; consultations; submission of studies to Congress; scope of studies; qualifications for national historic trail designation

The Secretary of the Interior, through the agency most likely to administer such trail, and the Secretary of Agriculture where lands administered by him are involved, shall make such additional studies as are herein or may hereafter be authorized by the Congress for the purpose of determining the feasibility and desirability of designating other trails as national scenic or national historic trails. Such studies shall be made in consultation with the heads of other Federal agencies administering lands through which such additional proposed trails would pass and in cooperation with interested interstate, State, and local governmental agencies, public and private organizations, and landowners and land users concerned. The feasibility of designating a trail shall be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible. The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from November 10, 1978, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:

- (1) the proposed route of such trail (including maps and illustrations);
- (2) the areas adjacent to such trails, to be utilized for scenic, historic, natural, cultural, or developmental, purposes;
- (3) the characteristics which, in the judgment of the appropriate Secretary, make the proposed trail worthy of designation as a national scenic or national historic trail; and in the case of national historic trails the report shall include the recommendation of the Secretary of the Interior's National Park System Advisory Board as to the national historic significance based on the criteria developed under the Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461);
- (4) the current status of land ownership and current and potential use along the designated route;
- (5) the estimated cost of acquisition of lands or interests in lands, if any;
- (6) the plans for developing and maintaining the trail and the cost thereof;
- (7) the proposed Federal administering agency (which, in the case of a national scenic trail wholly or substantially within a national forest, shall be the Department of Agriculture);
- (8) the extent to which a State or its political subdivisions and public and private organizations might reasonably be expected to participate in acquiring the necessary lands in the administration thereof;
- (9) the relative uses of the lands involved, including: the number of anticipated visitor-days for the entire length of, as well as for segments of, such trail; the number of months

which such trail, or segments thereof, will be open for recreation purposes; the economic and social benefits which might accrue from alternate land uses; and the estimated man-years of civilian employment and expenditures expected for the purposes of maintenance, supervision, and regulation of such trail;

(10) the anticipated impact of public outdoor recreation use on the preservation of a proposed national historic trail and its related historic and archeological features and settings, including the measures proposed to ensure evaluation and preservation of the values that contribute to their national historic significance; and

(11) to qualify for designation as a national historic trail, a trail must meet all three of the following criteria:

(A) It must be a trail or route established by historic use and must be historically significant as a result of that use. The route need not currently exist as a discernible trail to qualify, but its location must be sufficiently known to permit evaluation of public recreation and historical interest potential. A designated trail should generally accurately follow the historic route, but may deviate somewhat on occasion of necessity to avoid difficult routing through subsequent development, or to provide some route variation offering a more pleasurable recreational experience. Such deviations shall be so noted on site. Trail segments no longer possible to travel by trail due to subsequent development as motorized transportation routes may be designated and marked onsite as segments which link to the historic trail.

(B) It must be of national significance with respect to any of several broad facets of American history, such as trade and commerce, exploration, migration and settlement, or military campaigns. To qualify as nationally significant, historic use of the trail must have had a far-reaching effect on broad patterns of American culture. Trails significant in the history of native Americans may be included.

(C) It must have significant potential for public recreational use or historical interest based on historic interpretation and appreciation. The potential for such use is generally greater along roadless segments developed as historic trails, and at historic sites associated with the trail. The presence of recreation potential not related to historic appreciation is not sufficient justification for designation under this category.

(c) Routes subject to consideration for designation as national scenic trails

The following routes shall be studied in accordance with the objectives outlined in subsection (b) of this section:

(1) Continental Divide Trail, a three-thousand-one-hundred-mile trail extending from near the Mexican border in southwestern New Mexico northward generally along the Continental Divide to the Canadian border in Glacier National Park.

(2) Potomac Heritage Trail, an eight-hundred-and-twenty-five-mile trail extending generally

from the mouth of the Potomac River to its sources in Pennsylvania and West Virginia, including the one-hundred-and-seventy-mile Chesapeake and Ohio Canal towpath.

(3) Old Cattle Trails of the Southwest from the vicinity of San Antonio, Texas, approximately eight hundred miles through Oklahoma via Baxter Springs and Chetopa, Kansas, to Fort Scott, Kansas, including the Chisholm Trail, from the vicinity of San Antonio or Cuero, Texas, approximately eight hundred miles north through Oklahoma to Abilene, Kansas.

(4) Lewis and Clark Trail, from Wood River, Illinois, to the Pacific Ocean in Oregon, following both the outbound and inbound routes of the Lewis and Clark Expedition.

(5) Natchez Trace, from Nashville, Tennessee, approximately six hundred miles to Natchez, Mississippi.

(6) North Country Trail, from the Appalachian Trail in Vermont, approximately three thousand two hundred miles through the States of New York, Pennsylvania, Ohio, Michigan, Wisconsin, and Minnesota, to the Lewis and Clark Trail in North Dakota.

(7) Kittanning Trail from Shirleysburg in Huntingdon County to Kittanning, Armstrong County, Pennsylvania.

(8) Oregon Trail, from Independence, Missouri, approximately two thousand miles to near Fort Vancouver, Washington.

(9) Santa Fe Trail, from Independence, Missouri, approximately eight hundred miles to Santa Fe, New Mexico.

(10) Long Trail, extending two hundred and fifty-five miles from the Massachusetts border northward through Vermont to the Canadian border.

(11) Mormon Trail, extending from Nauvoo, Illinois, to Salt Lake City, Utah, through the States of Iowa, Nebraska, and Wyoming.

(12) Gold Rush Trails in Alaska.

(13) Mormon Battalion Trail, extending two thousand miles from Mount Pisgah, Iowa, through Kansas, Colorado, New Mexico, and Arizona to Los Angeles, California.

(14) El Camino Real from St. Augustine to San Mateo, Florida, approximately 20 miles along the southern boundary of the St. Johns River from Fort Caroline National Memorial to the St. Augustine National Park Monument.

(15) Bartram Trail, extending through the States of Georgia, North Carolina, South Carolina, Alabama, Florida, Louisiana, Mississippi, and Tennessee.

(16) Daniel Boone Trail, extending from the vicinity of Statesville, North Carolina, to Fort Boonesborough State Park, Kentucky.

(17) Desert Trail, extending from the Canadian border through parts of Idaho, Washington, Oregon, Nevada, California, and Arizona, to the Mexican border.

(18) Dominguez-Escalante Trail, extending approximately two thousand miles along the route of the 1776 expedition led by Father Francisco Atanasio Dominguez and Father Silvestre Velez de Escalante, originating in Santa Fe, New Mexico; proceeding northwest along the San Juan, Dolores, Gunnison, and White Rivers in Colorado; thence westerly to Utah Lake; thence southward to Arizona and returning to Santa Fe.

(19) Florida Trail, extending north from Everglades National Park, including the Big Cypress Swamp, the Kissimme³ Prairie, the Withlacoochee State Forest, Ocala National Forest, Osceola National Forest, and Black Water River State Forest, said completed trail to be approximately one thousand three hundred miles long, of which over four hundred miles of trail have already been built.

(20) Indian Nations Trail, extending from the Red River in Oklahoma approximately two hundred miles northward through the former Indian nations to the Oklahoma-Kansas boundary line.

(21) Nez Perce Trail extending from the vicinity of Wallowa Lake, Oregon, to Bear Paw Mountain, Montana.

(22) Pacific Northwest Trail, extending approximately one thousand miles from the Continental Divide in Glacier National Park, Montana, to the Pacific Ocean beach of Olympic National Park, Washington, by way of—

(A) Flathead National Forest and Kootenai National Forest in the State of Montana;

(B) Kaniksu National Forest in the State of Idaho; and

(C) Colville National Forest, Okanogan National Forest, Pasayten Wilderness Area, Ross Lake National Recreation Area, North Cascades National Park, Mount Baker, the Skagit River, Deception Pass, Whidbey Island, Olympic National Forest, and Olympic National Park in the State of Washington.

(23) Overmountain Victory Trail, extending from the vicinity of Elizabethton, Tennessee, to Kings Mountain National Military Park, South Carolina.

(24) Juan Bautista de Anza Trail, following the overland route taken by Juan Bautista de Anza in connection with his travels from the United Mexican States to San Francisco, California.

(25) Trail of Tears, including the associated forts and specifically, Fort Mitchell, Alabama, and historic properties, extending from the vicinity of Murphy, North Carolina, through Georgia, Alabama, Tennessee, Kentucky, Illinois, Missouri, and Arkansas, to the vicinity of Tahlequah, Oklahoma.

(26) Illinois Trail, extending from the Lewis and Clark Trail at Wood River, Illinois, to the Chicago Portage National Historic Site, generally following the Illinois River and the Illinois and Michigan Canal.

(27) Jedediah Smith Trail, to include the routes of the explorations led by Jedediah Smith—

(A) during the period 1826-1827, extending from the Idaho-Wyoming border, through the Great Salt Lake, Sevier, Virgin, and Colorado River Valleys, and the Mojave Desert, to the San Gabriel Mission, California; thence through the Tehachapi Mountains, San Joaquin and Stanislaus River Valleys, Ebbetts Pass, Walker River Valley, Bald Mount, Mount Grafton, and Great Salt Lake to Bear Lake, Utah; and

(B) during 1828, extending from the Sacramento and Trinity River Valleys along the Pacific coastline, through the Smith and Wil-

³ So in original. Probably should be "Kissimmee".

lamette River Valleys to the Fort Vancouver National Historic Site, Washington, on the Columbia River.

(28) General Crook Trail, extending from Prescott, Arizona, across the Mogollon Rim to Fort Apache.

(29) Beale Wagon Road, within the Kaibab and Coconino National Forests in Arizona: *Provided*, That such study may be prepared in conjunction with ongoing planning processes for these National Forests to be completed before 1990.

(30) Pony Express Trail, extending from Saint Joseph, Missouri, through Kansas, Nebraska, Colorado, Wyoming, Utah, Nevada, to Sacramento, California, as indicated on a map labeled "Potential Pony Express Trail", dated October 1983 and the California Trail, extending from the vicinity of Omaha, Nebraska, and Saint Joseph, Missouri, to various points in California, as indicated on a map labeled "Potential California Trail" and dated August 1, 1983. Notwithstanding subsection (b) of this section, the study under this paragraph shall be completed and submitted to the Congress no later than the end of two complete fiscal years beginning after August 28, 1984. Such study shall be separated into two portions, one relating to the Pony Express Trail and one relating to the California Trail.

(31) De Soto Trail, the approximate route taken by the expedition of the Spanish explorer Hernado de Soto in 1539, extending through portions of the States of Florida, Georgia, South Carolina, North Carolina, Tennessee, Alabama, Mississippi, to the area of Little Rock, Arkansas, on to Texas and Louisiana, and any other States which may have been crossed by the expedition. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than one calendar year after December 11, 1987.

(32) Coronado Trail, the approximate route taken by the expedition of the Spanish explorer Francisco Vasquez de Coronado between 1540 and 1542, extending through portions of the States of Arizona, New Mexico, Texas, Oklahoma, and Kansas. The study under this paragraph shall be prepared in accordance with subsection (b) of this section. In conducting the study under this paragraph, the Secretary shall provide for (A) the review of all original Spanish documentation on the Coronado Trail, (B) the continuing search for new primary documentation on the trail, and (C) the examination of all information on the archeological sites along the trail.

(33) The route from Selma to Montgomery, Alabama traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after July 3, 1990.

(34) American Discovery Trail, extending from Pt. Reyes, California, across the United States

through Nevada, Utah, Colorado, Kansas, Nebraska, Missouri, Iowa, Illinois, Indiana, Ohio, West Virginia, Maryland, and the District of Columbia, to Cape Henlopen State Park, Delaware; to include in the central United States a northern route through Colorado, Nebraska, Iowa, Illinois, and Indiana and a southern route through Colorado, Kansas, Missouri, Illinois, and Indiana.

(35) Ala Kahakai Trail in the State of Hawaii, an ancient Hawaiian trail on the Island of Hawaii extending from the northern tip of the Island of Hawaii approximately 175 miles along the western and southern coasts to the northern boundary of Hawaii Volcanoes National Park.

(36)(A)⁴ El Camino Real de Tierra Adentro, the approximately 1,800 mile route extending from Mexico City, Mexico, across the international border at El Paso, Texas, to Santa Fe, New Mexico.

(B) The study shall—

(i) examine changing routes within the general corridor;

(ii) examine major connecting branch routes; and

(iii) give due consideration to alternative name designations.

(C) The Secretary of the Interior is authorized to work in cooperation with the Government of Mexico (including, but not limited to providing technical assistance) to determine the suitability and feasibility of establishing an international historic route along the El Camino Real de Tierra Adentro.

(36)(A)⁴ El Camino Real Para Los Texas, the approximate series of routes from Saltillo, Monclova, and Guerrero, Mexico across Texas through San Antonio and Nacogdoches, to the vicinity of Los Adaes, Louisiana, together with the evolving routes later known as the San Antonio Road.

(B) The study shall—

(i) examine the changing roads within the historic corridor;

(ii) examine the major connecting branch routes;

(iii) determine the individual or combined suitability and feasibility of routes for potential national historic trail designation;

(iv) consider the preservation heritage plan developed by the Texas Department of Transportation entitled "A Texas Legacy: The Old San Antonio Road and the Caminos Reales", dated January, 1991; and

(v) make recommendations concerning the suitability and feasibility of establishing an international historical park where the trail crosses the United States-Mexico border at Maverick County, Texas, and Guerrero, Mexico.

(C) The Secretary of the Interior is authorized to work in cooperation with the government of Mexico (including, but not limited to providing technical assistance) to determine⁵ the suitability and feasibility of establishing an international historic trail along the El Camino Real Para Los Texas.

(D) The study shall be undertaken in consultation with the Louisiana Department of Trans-

⁴ So in original. Two pars. (36) have been enacted.

⁵ So in original. Probably should be "determine".

portation and Development and the Texas Department of Transportation.

(E) The study shall consider alternative name designations for the trail.

(F) The study shall be completed no later than two years after the date funds are made available for the study.

(d) Trail advisory councils; establishment and termination; term and compensation; membership; chairman

The Secretary charged with the administration of each respective trail shall, within one year of the date of the addition of any national scenic or national historic trail to the System, and within sixty days of November 10, 1978, for the Appalachian and Pacific Crest National Scenic Trails, establish an advisory council for each such trail, each of which councils shall expire ten years from the date of its establishment, establishment,⁶ except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment. If the appropriate Secretary is unable to establish such an advisory council because of the lack of adequate public interest, the Secretary shall so advise the appropriate committees of the Congress. The appropriate Secretary shall consult with such council from time to time with respect to matters relating to the trail, including the selection of rights-of-way, standards for the erection and maintenance of markers along the trail, and the administration of the trail. The members of each advisory council, which shall not exceed thirty-five in number, shall serve for a term of two years and without compensation as such, but the Secretary may pay, upon vouchers signed by the chairman of the council, the expenses reasonably incurred by the council and its members in carrying out their responsibilities under this section. Members of each council shall be appointed by the appropriate Secretary as follows:

(1) the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee;

(2) a member appointed to represent each State through which the trail passes, and such appointments shall be made from recommendations of the Governors of such States;

(3) one or more members appointed to represent private organizations, including corporate and individual landowners and land users, which in the opinion of the Secretary, have an established and recognized interest in the trail, and such appointments shall be made from recommendations of the heads of such organizations: *Provided*, That the Appalachian Trail Conference shall be represented by a sufficient number of persons to represent the various sections of the country through which the Appalachian Trail passes; and

(4) the Secretary shall designate one member to be chairman and shall fill vacancies in the same manner as the original appointment.

⁶ So in original. The words "its establishment, establishment," probably should be "its establishment,".

(e) Comprehensive national scenic trail plan; consultation; submission to Congressional committees

Within two complete fiscal years of the date of enactment of legislation designating a national scenic trail, except for the Continental Divide National Scenic Trail and the North Country National Scenic Trail, as part of the system, and within two complete fiscal years of November 10, 1978, for the Pacific Crest and Appalachian Trails, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, the relevant advisory council established pursuant to subsection (d) of this section, and the Appalachian Trail Conference in the case of the Appalachian Trail, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the acquisition, management, development, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved (along with high potential historic sites and high potential route segments in the case of national historic trails), details of anticipated cooperative agreements to be consummated with other entities, and an identified carrying capacity of the trail and a plan for its implementation;

(2) an acquisition or protection plan, by fiscal year, for all lands to be acquired by fee title or lesser interest, along with detailed explanation of anticipated necessary cooperative agreements for any lands not to be acquired; and

(3) general and site-specific development plans including anticipated costs.

(f) Comprehensive national historic trail plan; consultation; submission to Congressional committees

Within two complete fiscal years of the date of enactment of legislation designating a national historic trail or the Continental Divide National Scenic Trail or the North Country National Scenic Trail as part of the system, the responsible Secretary shall, after full consultation with affected Federal land managing agencies, the Governors of the affected States, and the relevant Advisory Council established pursuant to subsection (d) of this section, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a comprehensive plan for the management, and use of the trail, including but not limited to, the following items:

(1) specific objectives and practices to be observed in the management of the trail, including the identification of all significant natural, historical, and cultural resources to be preserved, details of any anticipated cooperative agreements to be consummated with State and local government agencies or private interests, and for national scenic or national historic trails an identified carrying ca-

capacity of the trail and a plan for its implementation;

(2) the process to be followed by the appropriate Secretary to implement the marking requirements established in section 1246(c) of this title;

(3) a protection plan for any high potential historic sites or high potential route segments; and

(4) general and site-specific development plans, including anticipated costs.

(Pub. L. 90-543, § 5, Oct. 2, 1968, 82 Stat. 920; Pub. L. 94-527, Oct. 17, 1976, 90 Stat. 2481; Pub. L. 95-248, § 1(1), (2), Mar. 21, 1978, 92 Stat. 159; Pub. L. 95-625, title V, § 551 (7)-(15), Nov. 10, 1978, 92 Stat. 3512-3515; Pub. L. 96-87, title IV, § 401(m)(1), Oct. 12, 1979, 93 Stat. 666; Pub. L. 96-199, title I, § 101(b)(1)-(3), Mar. 5, 1980, 94 Stat. 67, 68; Pub. L. 96-344, § 14, Sept. 8, 1980, 94 Stat. 1136; Pub. L. 96-370, § 1(a), Oct. 3, 1980, 94 Stat. 1360; Pub. L. 98-11, title II, § 205, Mar. 28, 1983, 97 Stat. 43; Pub. L. 98-405, § 1, Aug. 28, 1984, 98 Stat. 1483; Pub. L. 99-445, § 1, Oct. 6, 1986, 100 Stat. 1122; Pub. L. 100-35, § 1(a), May 8, 1987, 101 Stat. 302; Pub. L. 100-187, § 3, Dec. 11, 1987, 101 Stat. 1287; Pub. L. 100-192, § 1, Dec. 16, 1987, 101 Stat. 1309; Pub. L. 100-470, § 4, Oct. 4, 1988, 102 Stat. 2283; Pub. L. 100-559, title II, § 203, Oct. 28, 1988, 102 Stat. 2797; Pub. L. 101-321, § 3, July 3, 1990, 104 Stat. 293; Pub. L. 101-365, § 2(a), Aug. 15, 1990, 104 Stat. 429; Pub. L. 102-328, § 1, Aug. 3, 1992, 106 Stat. 845; Pub. L. 102-461, Oct. 23, 1992, 106 Stat. 2273; Pub. L. 103-144, § 3, Nov. 17, 1993, 107 Stat. 1494; Pub. L. 103-145, § 3, Nov. 17, 1993, 107 Stat. 1497; Pub. L. 103-437, § 6(d)(38), Nov. 2, 1994, 108 Stat. 4585.)

REFERENCES IN TEXT

The Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461), referred to in subsec. (b)(3), which is also known as the Historic Sites, Buildings, and Antiquities Act, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, as amended, which is classified to sections 461 to 467 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 461 of this title and Tables.

AMENDMENTS

1994—Subsecs. (e), (f). Pub. L. 103-437 in introductory provisions substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1993—Subsec. (c)(36). Pub. L. 103-145 added par. (36) relating to El Camino Real Para Los Texas.

Pub. L. 103-144 added par. (36) relating to El Camino Real de Tierra Adentro.

1992—Subsec. (a). Pub. L. 102-328 added unnumbered pars. relating to California National Historic Trail and Pony Express National Historic Trail.

Subsec. (c)(34), (35). Pub. L. 102-461 added pars. (34) and (35).

1990—Subsec. (a)(17). Pub. L. 101-365 added par. (17).

Subsec. (c)(33). Pub. L. 101-321 added par. (33).

1988—Subsec. (c)(32). Pub. L. 100-559 added par. (32).

Subsec. (d). Pub. L. 100-470 inserted “establishment, except that the Advisory Council established for the Iditarod Historic Trail shall expire twenty years from the date of its establishment.” after “its establishment.” at end of first sentence.

1987—Subsec. (a)(15). Pub. L. 100-35 added par. (15).

Subsec. (a)(16). Pub. L. 100-192 added par. (16).

Subsec. (c)(31). Pub. L. 100-187 added par. (31).

1986—Subsec. (a)(14). Pub. L. 99-445 added par. (14).

1984—Subsec. (c)(30). Pub. L. 98-405 added par. (30).

1983—Subsec. (a)(11) to (13). Pub. L. 98-11, § 205(a), added pars. (11) to (13).

Subsec. (b). Pub. L. 98-11, § 205(b)(1), inserted sentence in provisions preceding par. (1) requiring that the feasibility of designating a trail be determined on the basis of an evaluation of whether or not it is physically possible to develop a trail along a route being studied, and whether the development of a trail would be financially feasible.

Subsec. (b)(3). Pub. L. 98-11, § 205(b)(2), substituted “16 U.S.C. 461” for “U.S.C. 461”.

Subsec. (b)(11)(B). Pub. L. 98-11, § 205(b)(3), inserted “exploration,” after “commerce,” in first sentence.

Subsec. (c)(9). Pub. L. 98-11, § 205(c)(1), substituted “Santa Fe, New Mexico” for “Sante Fe, New Mexico”.

Subsec. (c)(24) to (29). Pub. L. 98-11, § 205(c)(2), added pars. (24) to (29).

Subsec. (d). Pub. L. 98-11, § 205(d)(1), in provisions preceding par. (1), inserted requirement that the Secretary advise the appropriate committees in the Congress if the Secretary is unable to establish an advisory council because of the lack of adequate public interest.

Subsec. (d)(1) to (4). Pub. L. 98-11, § 205(d)(2), redesignated pars. (i) to (iv) as (1) to (4), respectively, and in par. (1) as so redesignated substituted “the head of each Federal department or independent agency administering lands through which the trail route passes, or his designee” for “a member appointed to represent each Federal department or independent agency administering lands through which the trail route passes, and each appointee shall be the person designated by the head of such department or agency”.

Subsec. (f)(1). Pub. L. 98-11, § 205(e)(1), (2), substituted “national historic trails” for “national recreational trails”.

Subsec. (f)(3), (4). Pub. L. 98-11, § 205(e)(3), added pars. (3) and (4).

1980—Subsec. (a)(8). Pub. L. 96-199, § 101(b)(1), added par. (8).

Subsec. (a)(9). Pub. L. 96-344 added par. (9).

Subsec. (a)(10). Pub. L. 96-370 added par. (10).

Subsecs. (e), (f). Pub. L. 96-199, § 101(b)(2), (3), inserted reference to the North Country National Scenic Trail. 1979—Subsec. (c)(23). Pub. L. 96-87 substituted “(23)” for “(20)” as the number designation of the paragraph relating to the Overmountain Victory Trail added in 1978 by section 551(13) of Pub. L. 95-625.

1978—Subsec. (a). Pub. L. 95-625, § 551(7), substituted, in provision preceding par. (1), “scenic and national historic” for “scenic” and “the following National Scenic and National Historic Trails” for “as the initial National Scenic Trails”.

Subsec. (a)(1). Pub. L. 95-625, § 551(8), substituted “Appalachian National Scenic Trail” for “Appalachian Trail”.

Subsec. (a)(2). Pub. L. 95-625, § 551(8), substituted “Pacific Crest National Scenic Trail” for “Pacific Crest Trail”.

Subsec. (a)(3). Pub. L. 95-625, § 551(9), substituted provisions establishing the Oregon National Historic Trail as a National Scenic and National Historic Trail for provisions requiring the establishment, by the Secretary of the Interior within 60 days after Mar. 21, 1978, of an Advisory Council for the Appalachian National Scenic Trail, which council was to terminate 120 months after Mar. 21, 1978.

Pub. L. 95-248, § 1(1), substituted provisions requiring establishment by the Secretary of the Interior within 60 days of Mar. 21, 1978, of an Advisory Council for the Appalachian National Scenic Trail, which shall terminate within 120 months of Mar. 21, 1978, and provisions relating to functions, membership, etc., of such Council, for provisions requiring establishment by the Secretary of the Interior of an advisory council for the Appalachian National Scenic Trail and by the Secretary of Agriculture of an advisory council for the Pacific Crest National Scenic Trail, and provisions relating to functions, membership, etc., of the councils.

Subsec. (a)(4) to (7). Pub. L. 95-625, § 551(9), added pars. (4) to (7).

Subsec. (b). Pub. L. 95-625, § 551(10), substituted in provision preceding par. (1) “National scenic or na-

tional historic” for “national scenic”, inserted “through the agency most likely to administer such trail,” after “Secretary of the Interior,”, struck out third sentence “When completed, such studies shall be the basis of appropriate proposals for additional national scenic trails which shall be submitted from time to time to the President and to the Congress.”; and substituted “The studies listed in subsection (c) of this section shall be completed and submitted to the Congress, with recommendations as to the suitability of trail designation, not later than three complete fiscal years from the date of enactment of their addition to this subsection, or from November 10, 1978, whichever is later. Such studies, when submitted, shall be printed as a House or Senate document, and shall include, but not be limited to:” for “Such proposals shall be accompanied by a report, which shall be printed as a House or Senate document, showing among other things—”.

Subsec. (b)(3). Pub. L. 95-625, §551(10), (11), substituted “scenic or national historic” for “scenic” and required in the case of national historic trails the report to include the recommendation of the Secretary of the Interior’s National Park System Advisory Board as to the national historical significance based on the criteria developed under the Historic Sites Act of 1935.

Subsec. (b)(10), (11). Pub. L. 95-625, §551(12), added pars. (10) and (11).

Subsec. (c)(23). Pub. L. 95-625, §551(13), added par. (23). See 1979 Amendment note above.

Subsec. (d). Pub. L. 95-625, §551(14), added subsec. (d) and repealed former subsec. (d) provisions for comprehensive plan for the management, acquisition, development, and use of the Appalachian Trail, submission to Congressional committees, and scope of plan, now covered in subsec. (e) of this section.

Pub. L. 95-248, §1(2), added subsec. (d).

Subsecs. (e), (f). Pub. L. 95-625, §551(15), added subsecs. (e) and (f).

1976—Subsec. (c)(15) to (22). Pub. L. 94-527 added pars. (15) to (22).

CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

SACRAMENTO TO SAN FRANCISCO MAIL ROUTE; FEASIBILITY STUDY FOR INCLUSION IN PONY EXPRESS NATIONAL HISTORIC TRAIL

Section 2 of Pub. L. 102-328, as amended by Pub. L. 103-437, §6(d)(39), Nov. 2, 1994, 108 Stat. 4585, provided that: “The Secretary of the Interior (hereinafter referred to as the Secretary) shall undertake a study of the land and water route used to carry mail from Sacramento to San Francisco, California, to determine the feasibility and suitability of designation of such route as a component of the Pony Express National Historic Trail designated by section 1 of this Act [amending this section]. Upon completion of the study, if the Secretary determines such route is a feasible and suitable addition to the Pony Express National Historic Trail, the Secretary shall designate the route as a component of the Pony Express National Historic Trail. The Secretary shall publish notice of such designation in the Federal Register and shall submit the study along with

his findings to the Committee on Natural Resources [now Committee on Resources] of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.”

DE SOTO EXPEDITION TRAIL COMMISSION

Pub. L. 101-607, Nov. 16, 1990, 104 Stat. 3105, established for 4 years in the Department of the Interior the De Soto Expedition Trail Commission, the purpose of which is to encourage and direct research, and to coordinate the distribution of interpretive materials to the public, regarding the De Soto expedition, the native societies the expedition encountered, and the effects of that contact, provided for the functions, staff, and powers of the Commission, and authorized research, technical assistance, and appropriations.

AUTHORIZATION FOR DEVELOPMENT OF TRAILS INTERPRETATION CENTER IN IOWA

Pub. L. 101-191, Nov. 29, 1989, 103 Stat. 1697, authorized the Secretary of the Interior to provide for development of a trails interpretation center in the city of Council Bluffs, Iowa, set forth provisions relating to Congressional findings and purposes, plan and design of the center and implementation thereof, agreement for operation and maintenance of the center, cooperative agreements for technical assistance, and extinguishment of any restrictions, covenants, reversions, limitations, or any other conditions imposed by the Economic Development Administration upon acceptance of the donated land by the Secretary, and authorized appropriations of not more than \$8,400,000 to carry out the Act.

SOUTHWESTERN PENNSYLVANIA INDUSTRIAL HERITAGE ROUTE

Pub. L. 100-698, title II, §§201-203, Nov. 19, 1988, 102 Stat. 4622, authorized the Secretary of the Interior to designate, and authorized appropriations for, a vehicular tour route to provide for public appreciation, education, understanding, and enjoyment of certain nationally and regionally significant sites in southwestern Pennsylvania.

LEWIS AND CLARK NATIONAL HISTORIC TRAIL INTERPRETIVE CENTER, MONTANA

Pub. L. 100-552, §§1-4, Oct. 28, 1988, 102 Stat. 2766, 2768, authorized Secretary of Agriculture to establish the Lewis and Clark National Historic Trail Interpretive Center on certain lands in Montana, required the Secretary to administer the Center and to prepare a plan for development and interpretation of the Center, authorized the Secretary to accept donations, enter into cooperative agreements for various services such as rescue, firefighting, law enforcement, and development and operation of facilities, authorized the Secretary to enter into agreements to provide educational and interpretive materials to the public, and authorized appropriations to carry out the Act and for construction of the Center and associated structures and improvements.

NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

Pub. L. 100-515, Oct. 20, 1988, 102 Stat. 2563, as amended by Pub. L. 103-243, May 4, 1994, 108 Stat. 613, authorized the Secretary of the Interior, acting through the Director of the National Park Service, with the concurrence of the agency having jurisdiction over such roads, to designate a vehicular tour route along existing public roads linking certain nationally significant natural and cultural sites associated with the coastal area of the State of New Jersey, to be known as the New Jersey Coastal Heritage Trail Route; provided for the location and additional segments of the Route; required the Secretary of the Interior to prepare a comprehensive inventory of sites along the Route and a general plan; provided for informational material for public appreciation of sites along the Route; provided that the Route be marked with appropriate markers; authorized

appropriations to carry out the Act; authorized additional appropriation of \$1,000,000 for technical assistance and the design and fabrication of interpretive materials, devices and signs; prohibited use of additional appropriation for operation, maintenance, repair or construction except for construction of interpretive exhibits; limited Federal share of projects carried out with additional appropriation to 50 percent; required non-Federal matching funds in form of cash, materials, or in-kind services; and provided for termination of authority under this Act five years after May 4, 1994.

LAUREL HIGHLANDS NATIONAL RECREATIONAL TRAIL
DESIGNATED AS PART OF POTOMAC HERITAGE TRAIL

Pub. L. 99-500, §101(h) [title I, §113], Oct. 18, 1986, 100 Stat. 1783-242, 1783-262, and Pub. L. 99-591, §101(h) [title I, §113], Oct. 30, 1986, 100 Stat. 3341-242, 3341-262, provided that: "The Secretary of the Interior is directed to designate the Laurel Highlands National Recreational Trail, as designated by the Secretary of the Interior pursuant to section 4 of the National Trails System Act [16 U.S.C. 1243], as part of the Potomac Heritage Trail, as requested by the State of Pennsylvania in its April 1984 application, subject to the provisions of paragraph (11) of section 5(a) of the National Trails System Act, as amended [16 U.S.C. 1244(a)(11)]."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1242, 1246, 1249 of this title; title 43 section 1634.

§ 1245. Connecting or side trails; establishment, designation, and marking as components of national trails system; location

Connecting or side trails within park, forest, and other recreation areas administered by the Secretary of the Interior or Secretary of Agriculture may be established, designated, and marked by the appropriate Secretary as components of a national recreation, national scenic or national historic trail. When no Federal land acquisition is involved, connecting or side trails may be located across lands administered by interstate, State, or local governmental agencies with their consent, or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary.

(Pub. L. 90-543, §6, Oct. 2, 1968, 82 Stat. 922; Pub. L. 95-625, title V, §551(16), Nov. 10, 1978, 92 Stat. 3515; Pub. L. 98-11, title II, §206, Mar. 28, 1983, 97 Stat. 45.)

AMENDMENTS

1983—Pub. L. 98-11 substituted "marked by the appropriate Secretary as components" for "marked as components" and ", or, where the appropriate Secretary deems necessary or desirable, on privately owned lands with the consent of the landowner. Applications for approval and designation of connecting and side trails on non-Federal lands shall be submitted to the appropriate Secretary" for "": *Provided*, That such trails provide additional points of public access to national recreation, national scenic or national historic trails".

1978—Pub. L. 95-625 substituted ", national scenic or national historic" for "or national scenic," and ", national scenic, or national historic" for "or scenic".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1242 of this title.

§ 1246. Administration and development of national trails system

(a) Consultation of Secretary with other agencies; transfer of management responsibilities; selection of rights-of-way; criteria for selection; notice; impact upon established uses

(1)(A) The Secretary charged with the overall administration of a trail pursuant to section 1244(a) of this title shall, in administering and managing the trail, consult with the heads of all other affected State and Federal agencies. Nothing contained in this chapter shall be deemed to transfer among Federal agencies any management responsibilities established under any other law for federally administered lands which are components of the National Trails System. Any transfer of management responsibilities may be carried out between the Secretary of the Interior and the Secretary of Agriculture only as provided under subparagraph (B).

(B) The Secretary charged with the overall administration of any trail pursuant to section 1244(a) of this title may transfer management of any specified trail segment of such trail to the other appropriate Secretary pursuant to a joint memorandum of agreement containing such terms and conditions as the Secretaries consider most appropriate to accomplish the purposes of this chapter. During any period in which management responsibilities for any trail segment are transferred under such an agreement, the management of any such segment shall be subject to the laws, rules, and regulations of the Secretary provided with the management authority under the agreement, except to such extent as the agreement may otherwise expressly provide.

(2) Pursuant to section 1244(a) of this title, the appropriate Secretary shall select the rights-of-way for national scenic and national historic trails and shall publish notice of the availability of appropriate maps or descriptions in the Federal Register: *Provided*, That in selecting the rights-of-way full consideration shall be given to minimizing the adverse effects upon the adjacent landowner or user and his operation. Development and management of each segment of the National Trails System shall be designed to harmonize with and complement any established multiple-use plans for that specific area in order to insure continued maximum benefits from the land. The location and width of such rights-of-way across Federal lands under the jurisdiction of another Federal agency shall be by agreement between the head of that agency and the appropriate Secretary. In selecting rights-of-way for trail purposes, the Secretary shall obtain the advice and assistance of the States, local governments, private organizations, and landowners and land users concerned.

(b) Relocation of segment of national, scenic or historic, trail right-of-way; determination of necessity with official having jurisdiction; necessity for Act of Congress

After publication of notice of the availability of appropriate maps or descriptions in the Federal Register, the Secretary charged with the administration of a national scenic or national historic trail may relocate segments of a na-

tional scenic or national historic trail right-of-way, with the concurrence of the head of the Federal agency having jurisdiction over the lands involved, upon a determination that: (i) such a relocation is necessary to preserve the purposes for which the trail was established, or (ii) the relocation is necessary to promote a sound land management program in accordance with established multiple-use principles: *Provided*, That a substantial relocation of the rights-of-way for such trail shall be by Act of Congress.

(c) Facilities on national, scenic or historic, trails; permissible activities; use of motorized vehicles; trail markers; establishment of uniform marker; placement of uniform markers; trail interpretation sites

National scenic or national historic trails may contain campsites, shelters, and related-public-use facilities. Other uses along the trail, which will not substantially interfere with the nature and purposes of the trail, may be permitted by the Secretary charged with the administration of the trail. Reasonable efforts shall be made to provide sufficient access opportunities to such trails and, to the extent practicable, efforts shall be made to avoid activities incompatible with the purposes for which such trails were established. The use of motorized vehicles by the general public along any national scenic trail shall be prohibited and nothing in this chapter shall be construed as authorizing the use of motorized vehicles within the natural and historical areas of the national park system, the national wildlife refuge system, the national wilderness preservation system where they are presently prohibited or on other Federal lands where trails are designated as being closed to such use by the appropriate Secretary: *Provided*, That the Secretary charged with the administration of such trail shall establish regulations which shall authorize the use of motorized vehicles when, in his judgment, such vehicles are necessary to meet emergencies or to enable adjacent landowners or land users to have reasonable access to their lands or timber rights: *Provided further*, That private lands included in the national recreation, national scenic, or national historic trails by cooperative agreement of a landowner shall not preclude such owner from using motorized vehicles on or across such trails or adjacent lands from time to time in accordance with regulations to be established by the appropriate Secretary. Where a national historic trail follows existing public roads, developed rights-of-way or waterways, and similar features of man's nonhistorically related development, approximating the original location of a historic route, such segments may be marked to facilitate retracement of the historic route, and where a national historic trail parallels an existing public road, such road may be marked to commemorate the historic route. Other uses along the historic trails and the Continental Divide National Scenic Trail, which will not substantially interfere with the nature and purposes of the trail, and which, at the time of designation, are allowed by administrative regulations, including the use of motorized vehicles, shall be permitted by the Secretary

charged with the administration of the trail. The Secretary of the Interior and the Secretary of Agriculture, in consultation with appropriate governmental agencies and public and private organizations, shall establish a uniform marker, including thereon an appropriate and distinctive symbol for each national recreation, national scenic, and national historic trail. Where the trails cross lands administered by Federal agencies such markers shall be erected at appropriate points along the trails and maintained by the Federal agency administering the trail in accordance with standards established by the appropriate Secretary and where the trails cross non-Federal lands, in accordance with written cooperative agreements, the appropriate Secretary shall provide such uniform markers to cooperating agencies and shall require such agencies to erect and maintain them in accordance with the standards established. The appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located. Wherever possible, the sites shall be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.

(d) Use and acquisition of lands within exterior boundaries of areas included within right-of-way

Within the exterior boundaries of areas under their administration that are included in the right-of-way selected for a national recreation, national scenic, or national historic trail, the heads of Federal agencies may use lands for trail purposes and may acquire lands or interests in lands by written cooperative agreement, donation, purchase with donated or appropriated funds or exchange.

(e) Right-of-way lands outside exterior boundaries of federally administered areas; cooperative agreements or acquisition; failure to agree or acquire; agreement or acquisition by Secretary concerned; right of first refusal for original owner upon disposal

Where the lands included in a national scenic or national historic trail right-of-way are outside of the exterior boundaries of federally administered areas, the Secretary charged with the administration of such trail shall encourage the States or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations, and individuals to provide the necessary trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the national scenic or national historic trail: *Provided*, That if the State or local governments fail to enter into such written cooperative agreements or to acquire such lands or interests therein after notice of the selection of the right-of-way is published, the appropriate Secretary may (i) enter into such agreements with landowners, States, local governments, private organizations, and individuals for the use of lands for trail purposes, or (ii) acquire private lands or interests therein by do-

nation, purchase with donated or appropriated funds or exchange in accordance with the provisions of subsection (f) of this section: *Provided further*, That the appropriate Secretary may acquire lands or interests therein from local governments or governmental corporations with the consent of such entities. The lands involved in such rights-of-way should be acquired in fee, if other methods of public control are not sufficient to assure their use for the purpose for which they are acquired: *Provided*, That if the Secretary charged with the administration of such trail permanently relocates the right-of-way and disposes of all title or interest in the land, the original owner, or his heirs or assigns, shall be offered, by notice given at the former owner's last known address, the right of first refusal at the fair market price.

(f) Exchange of property within the right-of-way by Secretary of the Interior; property subject to exchange; equalization of value of property; exchange of national forest lands by Secretary of Agriculture; tracts lying outside trail acquisition area

(1) The Secretary of the Interior, in the exercise of his exchange authority, may accept title to any non-Federal property within the right-of-way and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which is located in the State wherein such property is located and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require. The Secretary of Agriculture, in the exercise of his exchange authority, may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(2) In acquiring lands or interests therein for a National Scenic or Historic Trail, the appropriate Secretary may, with consent of a landowner, acquire whole tracts notwithstanding that parts of such tracts may lie outside the area of trail acquisition. In furtherance of the purposes of this chapter, lands so acquired outside the area of trail acquisition may be exchanged for any non-Federal lands or interests therein within the trail right-of-way, or disposed of in accordance with such procedures or regulations as the appropriate Secretary shall prescribe, including: (i) provisions for conveyance of such acquired lands or interests therein at not less than fair market value to the highest bidder, and (ii) provisions for allowing the last owners of record a right to purchase said acquired lands or interests therein upon payment or agreement to pay an amount equal to the highest bid price. For lands designated for exchange or disposal, the appropriate Secretary may convey these lands with any reservations or covenants deemed desirable to further the purposes of this chapter. The proceeds from any disposal shall be credited to the appropriation bearing the costs of land acquisition for the affected trail.

(g) Condemnation proceedings to acquire private lands; limitations; availability of funds for acquisition of lands or interests therein; acquisition of high potential, route segments or historic sites

The appropriate Secretary may utilize condemnation proceedings without the consent of the owner to acquire private lands or interests therein pursuant to this section only in cases where, in his judgment, all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and in such cases he shall acquire only such title as, in his judgment, is reasonably necessary to provide passage across such lands: *Provided*, That condemnation proceedings may not be utilized to acquire fee title or lesser interests to more than an average of one hundred and twenty-five acres per mile. Money appropriated for Federal purposes from the land and water conservation fund shall, without prejudice to appropriations from other sources, be available to Federal departments for the acquisition of lands or interests in lands for the purposes of this chapter. For national historic trails, direct Federal acquisition for trail purposes shall be limited to those areas indicated by the study report or by the comprehensive plan as high potential route segments or high potential historic sites. Except for designated protected components of the trail, no land or site located along a designated national historic trail or along the Continental Divide National Scenic Trail shall be subject to the provisions of section 303 of title 49 unless such land or site is deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

(h) Development and maintenance of national, scenic or historic, trails; cooperation with States over portions located outside of federally administered areas; cooperative agreements; participation of volunteers; reservation of right-of-way for trails in conveyances by Secretary of the Interior

(1) The Secretary charged with the administration of a national recreation, national scenic, or national historic trail shall provide for the development and maintenance of such trails within federally administered areas and shall cooperate with and encourage the States to operate, develop, and maintain portions of such trails which are located outside the boundaries of federally administered areas. When deemed to be in the public interest, such Secretary may enter written cooperative agreements with the States or their political subdivisions, landowners, private organizations, or individuals to operate, develop, and maintain any portion of such a trail either within or outside a federally administered area. Such agreements may include provisions for limited financial assistance to encourage participation in the acquisition, protection, operation, development, or maintenance of such trails, provisions providing volunteer in the park or volunteer in the forest status (in accordance with the Volunteers in the Parks Act of 1969 [16 U.S.C. 18g et seq.] and the Volunteers in the Forests Act of 1972 [16 U.S.C. 558a et seq.]) to individuals, private organizations, or

landowners participating in such activities, or provisions of both types. The appropriate Secretary shall also initiate consultations with affected States and their political subdivisions to encourage—

(A) the development and implementation by such entities of appropriate measures to protect private landowners from trespass resulting from trail use and from unreasonable personal liability and property damage caused by trail use, and

(B) the development and implementation by such entities of provisions for land practices, compatible with the purposes of this chapter,

for property within or adjacent to trail rights-of-way. After consulting with States and their political subdivisions under the preceding sentence, the Secretary may provide assistance to such entities under appropriate cooperative agreements in the manner provided by this subsection.

(2) Whenever the Secretary of the Interior makes any conveyance of land under any of the public land laws, he may reserve a right-of-way for trails to the extent he deems necessary to carry out the purposes of this chapter.

(i) Regulations; issuance; concurrence and consultation; revision; publication; violations; penalties; utilization of national park or national forest authorities

The appropriate Secretary, with the concurrence of the heads of any other Federal agencies administering lands through which a national recreation, national scenic, or national historic trail passes, and after consultation with the States, local governments, and organizations concerned, may issue regulations, which may be revised from time to time, governing the use, protection, management, development, and administration of trails of the national trails system. In order to maintain good conduct on and along the trails located within federally administered areas and to provide for the proper government and protection of such trails, the Secretary of the Interior and the Secretary of Agriculture shall prescribe and publish such uniform regulations as they deem necessary and any person who violates such regulations shall be guilty of a misdemeanor, and may be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or by both such fine and imprisonment. The Secretary responsible for the administration of any segment of any component of the National Trails System (as determined in a manner consistent with subsection (a)(1) of this section) may also utilize authorities related to units of the national park system or the national forest system, as the case may be, in carrying out his administrative responsibilities for such component.

(j) Types of trail use allowed

Potential trail uses allowed on designated components of the national trails system may include, but are not limited to, the following: bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, and surface water and underwater activities. Vehicles which

may be permitted on certain trails may include, but need not be limited to, motorcycles, bicycles, four-wheel drive or all-terrain off-road vehicles. In addition, trail access for handicapped individuals may be provided. The provisions of this subsection shall not supersede any other provisions of this chapter or other Federal laws, or any State or local laws.

(k) Donations or other conveyances of qualified real property interests

For the conservation purpose of preserving or enhancing the recreational, scenic, natural, or historical values of components of the national trails system, and environs thereof as determined by the appropriate Secretary, landowners are authorized to donate or otherwise convey qualified real property interests to qualified organizations consistent with section 170(h)(3) of title 26, including, but not limited to, right-of-way, open space, scenic, or conservation easements, without regard to any limitation on the nature of the estate or interest otherwise transferable within the jurisdiction where the land is located. The conveyance of any such interest in land in accordance with this subsection shall be deemed to further a Federal conservation policy and yield a significant public benefit for purposes of section 6 of Public Law 96-541.

(Pub. L. 90-543, § 7, Oct. 2, 1968, 82 Stat. 922; Pub. L. 95-248, § 1(3), (4), Mar. 21, 1978, 92 Stat. 160; Pub. L. 95-625, title V, § 551(17)-(21), Nov. 10, 1978, 92 Stat. 3515, 3516; Pub. L. 96-87, title IV, § 401(m)(2), (3), Oct. 12, 1979, 93 Stat. 666; Pub. L. 98-11, title II, § 207, Mar. 28, 1983, 97 Stat. 45.)

REFERENCES IN TEXT

The Volunteers in the Parks Act of 1969, referred to in subsec. (h)(1), is Pub. L. 91-357, July 29, 1970, 84 Stat. 472, as amended, which is classified generally to subchapter II (§ 18g et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 18g of this title and Tables.

The Volunteers in the Forests Act of 1972, referred to in subsec. (h)(1), probably means the Volunteers in the National Forests Act of 1972, Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

The public land laws, referred to in subsec. (h)(2), are classified generally to Title 43, Public Lands.

Section 6 of Public Law 96-541, referred to in subsec. (k), is section 6 of Pub. L. 96-541, Dec. 17, 1980, 94 Stat. 3206, which amended section 170 of Title 26, Internal Revenue Code, and enacted and amended provisions set out as notes under section 170 of Title 26.

CODIFICATION

In subsec. (g), “section 303 of title 49” substituted for “section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f))” on authority of Pub. L. 97-449, § 6(b), Jan. 12, 1983, 96 Stat. 2443, the first section of which enacted subtitle I (§ 101 et seq.) of Title 49, Transportation.

AMENDMENTS

1983—Subsec. (a). Pub. L. 98-11, § 207(a), designated existing provisions as par. (2), added par. (1), and in par. (2) substituted “shall publish notice of the availability of appropriate maps or descriptions in the Federal Register” for “shall publish notice thereof in the Federal Register, together with appropriate maps and descriptions”.

Subsec. (b). Pub. L. 98-11, §207(b), inserted “of the availability of appropriate maps or descriptions” after “After publication of notice”, and struck out “together with appropriate maps and descriptions,” after “Federal Register.”

Subsec. (c). Pub. L. 98-11, §207(c), inserted provision that the appropriate Secretary may also provide for trail interpretation sites, which shall be located at historic sites along the route of any national scenic or national historic trail, in order to present information to the public about the trail, at the lowest possible cost, with emphasis on the portion of the trail passing through the State in which the site is located, and that, whenever possible, the sites be maintained by a State agency under a cooperative agreement between the appropriate Secretary and the State agency.

Subsec. (e). Pub. L. 98-11, §207(d), in first sentence, substituted “subsection (f) of this section” for “subsection (g) of this section”, and inserted a further proviso authorizing the appropriate Secretary to acquire lands or interests therein from local governments or governmental corporations with the consent of such entities.

Subsec. (f). Pub. L. 98-11, §207(e), designated existing provisions as par. (1) and added par. (2).

Subsec. (g). Pub. L. 98-11, §207(f), substituted “Except for designated protected components of the trail, no land or site located” for “No land or site located” in last sentence.

Subsec. (h). Pub. L. 98-11, §207(g), designated the first of two sentences of existing provisions as par. (1) and the last sentence as par. (2); and in par. (1), as so designated, substituted “and maintain any portion of such a trail either within” for “and maintain any portion of a national scenic or national historic trail either within” and inserted third, fourth, and fifth sentences making provision for the inclusion in written cooperative agreements provisions for limited financial assistance to encourage participation in acquisition, protection, operation, development, or maintenance of trails and for volunteer in the park or volunteer in the forest status, for the initiation of consultations with affected States and their political subdivisions, and for the giving of assistance after consultation under appropriate cooperative agreements.

Subsec. (i). Pub. L. 98-11, §207(h), added direction that the Secretary responsible for the administration of any segment of any component of the National Trails System also utilize authorities related to units of the national park system or the national forest system in carrying out his administrative responsibilities for such component.

Subsecs. (j), (k). Pub. L. 98-11, §207(i), added subsecs. (j) and (k).

1979—Subsecs. (c), (g). Pub. L. 96-87 made technical amendments to section 551(18) and (21) of Pub. L. 95-625 the net result of which expanded the provisions which had been added to subsecs. (c) and (g) of this section in 1978 by section 551(18) and (21) of Pub. L. 95-625. See 1978 Amendments note below.

1978—Subsec. (a). Pub. L. 95-625, §551(17), substituted “national scenic and national historic trails” for “National Scenic Trails” in first sentence.

Subsec. (b). Pub. L. 95-625, §551(17), substituted “scenic or national historic” for “scenic” in two places.

Subsec. (c). Pub. L. 95-625, §551(17), (18), as amended Pub. L. 96-87, §401(m)(2), substituted in first sentence “scenic or national historic” for “scenic”, in second proviso “recreation, national scenic, or national historic” for “recreation or scenic” and in fifth sentence “recreation, national scenic, and national historic” for “recreation and scenic”, and inserted following fourth sentence provisions relating to trail markers and provisions requiring the Secretary to allow other uses along the historic trails and the Continental Divide National Scenic Trail which will not substantially interfere with the nature and purposes of the trail and which, at the time of designation, were allowed by administrative regulation, including the use of motor vehicles.

Subsec. (d). Pub. L. 95-625, §551(17), substituted “recreation, national scenic, or national historic” for “recreation or scenic”.

Pub. L. 95-248, §1(3), struck out proviso relating to acreage limitation of acquisition.

Subsec. (e). Pub. L. 95-625, §551(17), (19), inserted “or national historic” after “scenic” in two places and struck out from first proviso “within two years” before “after notice of the selection of the right-of-way”.

Subsec. (g). Pub. L. 95-625, §551(20), (21), as amended Pub. L. 96-87, §401(m)(3), struck out second proviso “; *Provided further*, That condemnation is prohibited with respect to all acquisition of lands or interest in lands for the purposes of the Pacific Crest Trail” after “connecting trail right-of-way” and inserted provisions that direct Federal acquisition for trail purposes be limited to high potential route segments or high potential historic sites and that no land or site located along a designated national historic trail or along the Continental Divide Scenic Trail be subject to the provisions of section 1653(f) of title 49 unless that land be deemed to be of historical significance under appropriate historical site criteria such as those for the National Register of Historic Places.

Pub. L. 95-248, §1(4), substituted “an average of one hundred and twenty-five acres per mile” for “twenty-five acres in any one mile”, and struck out limitation on exercise of authority with respect to a connecting trail right-of-way.

Subsec. (h). Pub. L. 95-625, §551(17), substituted “recreation, national scenic, or national historic” for “recreation or scenic” in first sentence, and inserted “or national historic” after “scenic” in second sentence.

Subsec. (i). Pub. L. 95-625, §551(17), substituted “recreation, national scenic, or national historic” for “recreation or scenic”.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1244, 1249 of this title.

§ 1247. State and local area recreation and historic trails

(a) Secretary of the Interior to encourage States, political subdivisions, and private interests; financial assistance for State and local projects

The Secretary of the Interior is directed to encourage States to consider, in their comprehensive statewide outdoor recreation plans and proposals for financial assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act [16 U.S.C. 4601-4 et seq.], needs and opportunities for estab-

lishing park, forest, and other recreation and historic trails on lands owned or administered by States, and recreation and historic trails on lands in or near urban areas. The Secretary is also directed to encourage States to consider, in their comprehensive statewide historic preservation plans and proposals for financial assistance for State, local, and private projects submitted pursuant to the Act of October 15, 1966 (80 Stat. 915), as amended [16 U.S.C. 470 et seq.], needs and opportunities for establishing historic trails. He is further directed, in accordance with the authority contained in the Act of May 28, 1963 (77 Stat. 49) [16 U.S.C. 4607 et seq.], to encourage States, political subdivisions, and private interests, including nonprofit organizations, to establish such trails.

(b) Secretary of Housing and Urban Development to encourage metropolitan and other urban areas; administrative and financial assistance in connection with recreation and transportation planning; administration of urban open-space program

The Secretary of Housing and Urban Development is directed, in administering the program of comprehensive urban planning and assistance under section 701 of the Housing Act of 1954 [40 U.S.C. 461], to encourage the planning of recreation trails in connection with the recreation and transportation planning for metropolitan and other urban areas. He is further directed, in administering the urban open-space program under title VII of the Housing Act of 1961 [42 U.S.C. 1500 et seq.], to encourage such recreation trails.

(c) Secretary of Agriculture to encourage States, local agencies, and private interests

The Secretary of Agriculture is directed, in accordance with authority vested in him, to encourage States and local agencies and private interests to establish such trails.

(d) Interim use of railroad rights-of-way

The Secretary of Transportation, the Chairman of the Interstate Commerce Commission, and the Secretary of the Interior, in administering the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 801 et seq.], shall encourage State and local agencies and private interests to establish appropriate trails using the provisions of such programs. Consistent with the purposes of that Act, and in furtherance of the national policy to preserve established railroad rights-of-way for future reactivation of rail service, to protect rail transportation corridors, and to encourage energy efficient transportation use, in the case of interim use of any established railroad rights-of-way pursuant to donation, transfer, lease, sale, or otherwise in a manner consistent with this chapter, if such interim use is subject to restoration or reconstruction for railroad purposes, such interim use shall not be treated, for purposes of any law or rule of law, as an abandonment of the use of such rights-of-way for railroad purposes. If a State, political subdivision, or qualified private organization is prepared to assume full responsibility for management of such rights-of-way and for any legal liability arising out of such transfer or use, and for the payment of any and all taxes that may

be levied or assessed against such rights-of-way, then the Commission shall impose such terms and conditions as a requirement of any transfer or conveyance for interim use in a manner consistent with this chapter, and shall not permit abandonment or discontinuance inconsistent or disruptive of such use.

(e) Designation and marking of trails; approval of Secretary of the Interior

Such trails may be designated and suitably marked as parts of the nationwide system of trails by the States, their political subdivisions, or other appropriate administering agencies with the approval of the Secretary of the Interior.

(Pub. L. 90-543, §8, Oct. 2, 1968, 82 Stat. 925; Pub. L. 95-625, title V, §551(22), Nov. 10, 1978, 92 Stat. 3516; Pub. L. 98-11, title II, §208, Mar. 28, 1983, 97 Stat. 48.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act, referred to in subsec. (a), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4607-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4607-4 of this title and Tables.

Act of October 15, 1966, referred to in subsec. (a), is Pub. L. 89-665, as amended, popularly known as the "National Historic Preservation Act" which is classified generally to subchapter II (§470 et seq.) of chapter 1A of this title. For complete classification of this Act to the Code, see section 470 of this title and Tables.

Act of May 28, 1963, referred to in subsec. (a), is Pub. L. 88-29, May 28, 1963, 77 Stat. 49, as amended, which is classified generally to part A (§4607 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Tables.

Section 461 of title 40, referred to in subsec. (b), was repealed by Pub. L. 97-35, title III, §313(b), Aug. 13, 1981, 95 Stat. 398.

The Housing Act of 1961, referred to in subsec. (b), is Pub. L. 87-70, June 30, 1961, 75 Stat. 149, as amended. Title VII of the Housing Act of 1961 was classified generally to chapter 8C (§1500 et seq.) of Title 42, The Public Health and Welfare, and was omitted from the Code pursuant to section 5316 of Title 42 which terminated authority to make grants or loans under such title VII after Jan. 1, 1975. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 12, Banks and Banking, and Tables.

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsec. (d), is Pub. L. 94-210, Feb. 5, 1976, 90 Stat. 31, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 45, Railroads, and Tables.

AMENDMENTS

1983—Subsecs. (d), (e). Pub. L. 98-11, §208(2), added subsec. (d) and redesignated former subsec. (d) as (e).

1978—Subsec. (a). Pub. L. 95-625 inserted "and historic" after "establishing park, forest, and other recreation" and "administered by States, and recreation", and directed the Secretary to encourage States to consider in their plans and proposals the needs and opportunities for establishing historic trails.

§ 1248. Easements and rights-of-way

(a) Authorization; conditions

The Secretary of the Interior or the Secretary of Agriculture as the case may be, may grant easements and rights-of-way upon, over, under,

across, or along any component of the national trails system in accordance with the laws applicable to the national park system and the national forest system, respectively: *Provided*, That any conditions contained in such easements and rights-of-way shall be related to the policy and purposes of this chapter.

(b) Cooperation of Federal agencies with Secretary of the Interior and Secretary of Agriculture

The Department of Defense, the Department of Transportation, the Interstate Commerce Commission, the Federal Communications Commission, the Secretary of Energy, and other Federal agencies having jurisdiction or control over or information concerning the use, abandonment, or disposition of roadways, utility rights-of-way, or other properties which may be suitable for the purpose of improving or expanding the national trails system shall cooperate with the Secretary of the Interior and the Secretary of Agriculture in order to assure, to the extent practicable, that any such properties having values suitable for trail purposes may be made available for such use.

(c) Abandoned railroad grants; retention of rights

Commencing October 4, 1988, any and all right, title, interest, and estate of the United States in all rights-of-way of the type described in section 912 of title 43, shall remain in the United States upon the abandonment or forfeiture of such rights-of-way, or portions thereof, except to the extent that any such right-of-way, or portion thereof, is embraced within a public highway no later than one year after a determination of abandonment or forfeiture, as provided under such section.

(d) Location, incorporation, and management

(1) All rights-of-way, or portions thereof, retained by the United States pursuant to subsection (c) of this section which are located within the boundaries of a conservation system unit or a National Forest shall be added to and incorporated within such unit or National Forest and managed in accordance with applicable provisions of law, including this chapter.

(2) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or a National Forest but adjacent to or contiguous with any portion of the public lands shall be managed pursuant to the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.] and other applicable law, including this section.

(3) All such retained rights-of-way, or portions thereof, which are located outside the boundaries of a conservation system unit or National Forest which the Secretary of the Interior determines suitable for use as a public recreational trail or other recreational purposes shall be managed by the Secretary for such uses, as well as for such other uses as the Secretary determines to be appropriate pursuant to applicable laws, as long as such uses do not preclude trail use.

(e) Release and quitclaim; conditions; sale; proceeds

(1) The Secretary of the Interior is authorized where appropriate to release and quitclaim to a

unit of government or to another entity meeting the requirements of this subsection any and all right, title, and interest in the surface estate of any portion of any right-of-way to the extent any such right, title, and interest was retained by the United States pursuant to subsection (c) of this section, if such portion is not located within the boundaries of any conservation system unit or National Forest. Such release and quitclaim shall be made only in response to an application therefor by a unit of State or local government or another entity which the Secretary of the Interior determines to be legally and financially qualified to manage the relevant portion for public recreational purposes. Upon receipt of such an application, the Secretary shall publish a notice concerning such application in a newspaper of general circulation in the area where the relevant portion is located. Such release and quitclaim shall be on the following conditions:

(A) If such unit or entity attempts to sell, convey, or otherwise transfer such right, title, or interest or attempts to permit the use of any part of such portion for any purpose incompatible with its use for public recreation, then any and all right, title, and interest released and quitclaimed by the Secretary pursuant to this subsection shall revert to the United States.

(B) Such unit or entity shall assume full responsibility and hold the United States harmless for any legal liability which might arise with respect to the transfer, possession, use, release, or quitclaim of such right-of-way.

(C) Notwithstanding any other provision of law, the United States shall be under no duty to inspect such portion prior to such release and quitclaim, and shall incur no legal liability with respect to any hazard or any unsafe condition existing on such portion at the time of such release and quitclaim.

(2) The Secretary is authorized to sell any portion of a right-of-way retained by the United States pursuant to subsection (c) of this section located outside the boundaries of a conservation system unit or National Forest if any such portion is—

(A) not adjacent to or contiguous with any portion of the public lands; or

(B) determined by the Secretary, pursuant to the disposal criteria established by section 203 of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1713], to be suitable for sale.

Prior to conducting any such sale, the Secretary shall take appropriate steps to afford a unit of State or local government or any other entity an opportunity to seek to obtain such portion pursuant to paragraph (1) of this subsection.

(3) All proceeds from sales of such retained rights of way shall be deposited into the Treasury of the United States and credited to the Land and Water Conservation Fund as provided in section 4607-5 of this title.

(4) The Secretary of the Interior shall annually report to the Congress the total proceeds from sales under paragraph (2) during the preceding fiscal year. Such report shall be included in the President's annual budget submitted to the Congress.

(f) “Conservation system unit” and “public lands” defined

As used in this section—

(1) The term “conservation system unit” has the same meaning given such term in the Alaska National Interest Lands Conservation Act (Public Law 96-487; 94 Stat. 2371 et seq.), except that such term shall also include units outside Alaska.

(2) The term “public lands” has the same meaning given such term in the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1701 et seq.].

(Pub. L. 90-543, §9, Oct. 2, 1968, 82 Stat. 925; Pub. L. 95-91, title III, §301(b), Aug. 4, 1977, 91 Stat. 578; Pub. L. 100-470, §3, Oct. 4, 1988, 102 Stat. 2281.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in subsecs. (d)(2) and (f)(2), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

The Alaska National Interest Lands Conservation Act, referred to in subsec. (f)(1), is Pub. L. 96-487, Dec. 2, 1980, 94 Stat. 2371, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

AMENDMENTS

1988—Subsecs. (c) to (f). Pub. L. 100-470 added subsecs. (c) to (f).

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of the Interior related to compliance with system activities requiring coordination and approval under this chapter and such functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with this chapter with respect to pre-construction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§102(e), (f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102-486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade.

“Secretary of Energy” substituted for “Federal Power Commission” in subsec. (b) pursuant to Pub. L. 95-91, §301(b), which is classified to section 7151(b) of Title 42, The Public Health and Welfare.

Federal Power Commission terminated and its functions, personnel, property, funds, etc., transferred to Secretary of Energy (except for certain functions which were transferred to Federal Energy Regulatory Commission) by sections 7151(b), 7171(a), 7172(a), 7291, and 7293 of Title 42.

ABANDONED RAILROAD GRANTS; CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 100-470 provided that: “Congress hereby finds that—

“(1) State and local governments have a special role to play under the National Trails System Act [16

U.S.C. 1241 et seq.] in acquiring and developing trails for recreation and conservation purposes.

“(2) Many miles of public land rights-of-way have been granted to the railroads by the United States, and much of this mileage could be suitable for trail use at such time as it may be abandoned.

“(3) The United States should retain any residual interest it may have in such public land rights-of-way and relinquish it, where appropriate, in favor of State and local governments or other nonprofit entities for trail purposes.”

CONDEMNATION

Section 5 of Pub. L. 100-470 provided that:

“(a) Nothing in this Act [amending this section and section 1244 of this title and enacting provisions set out as notes under this section and section 1241 of this title] shall be construed as authorizing the Secretary of the Interior to use condemnation proceedings to retain or acquire all or any portion of a right-of-way described in this Act.

“(b) Nothing in this Act shall be construed to expand or diminish existing condemnation authorities contained in the National Trails System Act, as amended [16 U.S.C. 1241 et seq.].”

§ 1249. Authorization of appropriations

(a)(1) There are hereby authorized to be appropriated for the acquisition of lands or interests in lands not more than \$5,000,000 for the Appalachian National Scenic Trail and not more than \$500,000 for the Pacific Crest National Scenic Trail. From the appropriations authorized for fiscal year 1979 and succeeding fiscal years pursuant to the Land and Water Conservation Fund Act (78 Stat. 897), as amended [16 U.S.C. 460l-4 et seq.], not more than the following amounts may be expended for the acquisition of lands and interests in lands authorized to be acquired pursuant to the provisions of this chapter: for the Appalachian National Scenic Trail, not to exceed \$30,000,000 for fiscal year 1979, \$30,000,000 for fiscal year 1980, and \$30,000,000 for fiscal year 1981, except that the difference between the foregoing amounts and the actual appropriations in any one fiscal year shall be available for appropriation in subsequent fiscal years.

(2) It is the express intent of the Congress that the Secretary should substantially complete the land acquisition program necessary to insure the protection of the Appalachian Trail within three complete fiscal years following March 21, 1978. Until the entire acquisition program is completed, he shall transmit in writing at the close of each fiscal year the following information to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives:

(A) the amount of land acquired during the fiscal year and the amount expended therefor;

(B) the estimated amount of land remaining to be acquired; and

(C) the amount of land planned for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the purposes of Public Law 95-42 (91 Stat. 211), the lands and interests therein acquired pursuant to this section shall be deemed to qualify for funding under the provisions of section 1, clause 2, of said Act [16 U.S.C. 460l-7].

(c)(1) There is hereby authorized to be appropriated such sums as may be necessary to imple-

ment the provisions of this chapter relating to the trails designated by section 1244(a)(3), (4), (5), (6), (7), (8), (9), and (10) of this title: *Provided*, That no such funds are authorized to be appropriated prior to October 1, 1978: *And provided further*, That notwithstanding any other provisions of this chapter or any other provisions of law, no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal areas for the Continental Divide National Scenic Trail, the North Country National Scenic Trail, The¹ Ice Age National Scenic Trail, the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Lewis and Clark National Historic Trail, and the Iditarod National Historic Trail, except that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 1246(c) of this title, along with such trail in each State crossed by the trail.

(2) Except as otherwise provided in this chapter, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this chapter relating to the trails designated by section 1244(a) of this title. Not more than \$500,000 may be appropriated for the purposes of acquisition of land and interests therein for the trail designated by section 1244(a)(12) of this title, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.

(Pub. L. 90-543, § 10, Oct. 2, 1968, 82 Stat. 926; Pub. L. 95-248, § 1(5), Mar. 21, 1978, 92 Stat. 160; Pub. L. 95-625, title V, § 551(23), Nov. 10, 1978, 92 Stat. 3517; Pub. L. 96-199, title I, § 101(b)(4), Mar. 5, 1980, 94 Stat. 68; Pub. L. 96-370, § 1(b), Oct. 3, 1980, 94 Stat. 1360; Pub. L. 98-11, title II, § 209, Mar. 28, 1983, 97 Stat. 48; Pub. L. 100-35, § 1(b), May 8, 1987, 101 Stat. 302; Pub. L. 100-192, § 2, Dec. 16, 1987, 101 Stat. 1309; Pub. L. 101-365, § 2(b), Aug. 15, 1990, 104 Stat. 429; Pub. L. 103-437, § 6(d)(38), Nov. 2, 1994, 108 Stat. 4585.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act (78 Stat. 897), as amended, referred to in subsec. (a)(1), probably means the Land and Water Conservation Fund Act of 1965, Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 4601-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of this title and Tables.

Public Law 95-42 (91 Stat. 211), referred to in subsec. (b), is Pub. L. 95-42, June 10, 1977, 91 Stat. 210, which, to the extent classified to the Code, amended sections 4601-5, 4601-7, and 4601-9 of this title. Section 1, clause 2 of said Act amended section 4601-7 of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1994—Subsec. (a)(2). Pub. L. 103-437 in introductory provisions substituted “Natural Resources” for “Interior and Insular Affairs” after “Committee on”.

1990—Subsec. (c)(2). Pub. L. 101-365 amended first sentence generally. Prior to amendment, first sentence

read as follows: “There is hereby authorized to be appropriated for fiscal year 1983 and subsequent fiscal years such sums as may be necessary to implement the provisions of this chapter relating to the trails designated by paragraphs (9), (10), (11), (12), (13), (15), and (16) of section 1244(a) of this title.”

1987—Subsec. (c)(2). Pub. L. 100-192 substituted “, (10), (11), (12), (13), (15), and (16)” for “through (13) and (15)”. Pub. L. 100-35 inserted “and (15)” after “(13)”.

1983—Subsec. (a)(1). Pub. L. 98-11, § 209(1), (2), inserted “(a)(1)” before “There are hereby authorized to be appropriated” at beginning of undesignated opening paragraph, and substituted “for the” for “(a) The” before “Appalachian National Scenic Trail” at beginning of former subsec. (a).

Subsec. (a)(2). Pub. L. 98-11, § 209(3), (4), inserted “(2)” before sentence beginning “It is the express intent of the Congress” and substituted “protection of the Appalachian Trail” for “protection of the Trail”.

Subsec. (c). Pub. L. 98-11, § 209(5), designated existing provisions as par. (1), inserted provision that funds may be expended for the acquisition of lands or interests therein for the purpose of providing for one trail interpretation site, as described in section 1246(c) of this title, and added par. (2).

1980—Subsec. (c). Pub. L. 96-370 substituted “(7), (8), (9), and (10)” for “(7), and (8)” and inserted reference to the Ice Age National Scenic Trail.

Pub. L. 96-199 inserted references to the North Country National Scenic Trail in two places, once by its full name and once by the designation as the trail “designated by” section 1244(a)(8) of this title, substituted “appropriated prior to October 1, 1978” for “appropriated prior to October 1, 1979”, and substituted “no funds may be expended by Federal agencies for the acquisition of lands or interests in lands outside the exterior boundaries of existing Federal area” for “no funds may be expended for the acquisition of lands or interests in lands”.

1978—Pub. L. 95-248 inserted provisions relating to determinations respecting appropriations authorized for fiscal year 1979 and succeeding fiscal years.

Subsec. (a). Pub. L. 95-625 struck out par. (1) designation, substituted “in subsequent fiscal years” for “in the subsequent fiscal year” and struck out par. (2) which provided for transmission of a report to Congressional committees by the Appalachian Trail Conference at the close of each fiscal year, until entire acquisition program was completed, covering conduct of negotiations for acquisition program and whether larger interests in land were being acquired than were necessary for the purposes of this chapter.

Subsec. (c). Pub. L. 95-625 added subsec. (c).

CHANGE OF NAME

Committee on Natural Resources of House of Representatives changed to Committee on Resources of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

EFFECTIVE DATE OF APPROPRIATION AUTHORIZATIONS UNDER PUB. L. 98-11; CONTRACT AUTHORITY

Section 101 of Pub. L. 98-11 provided that: “Authorizations of appropriations under this Act [enacting sections 1250 and 1251 of this title, amending this section and sections 1241 to 1247 of this title, and enacting provisions set out as a note under section 1241 of this title] shall be effective only for the fiscal year beginning on October 1, 1983, and subsequent fiscal years. Notwithstanding any other provision of this Act, authority to enter into contracts, and to make payments, under this Act shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.”

APPROPRIATIONS FOR OVERMOUNTAIN VICTORY NATIONAL HISTORIC TRAIL AND ICE AGE NATIONAL SCENIC TRAIL; EFFECTIVE DATE; CONTRACT AUTHORITY

Section 2 of Pub. L. 96-370 provided that: “Authorizations of moneys to be appropriated under this Act

¹ So in original. Probably should not be capitalized.

[amending sections 1244 and 1249 of this title] shall be effective on October 1, 1981. Notwithstanding any other provision of this Act, authority to enter into contracts, to incur obligations, or to make payments under this Act shall be effective only to the extent, and in such amounts, as are provided in advance in appropriation Acts.”

§ 1250. Volunteer trails assistance

(a) Volunteer planning, development, maintenance, and management of trails

(1) In addition to the cooperative agreement and other authorities contained in this chapter, the Secretary of the Interior, the Secretary of Agriculture, and the head of any Federal agency administering Federal lands, are authorized to encourage volunteers and volunteer organizations to plan, develop, maintain, and manage, where appropriate, trails throughout the Nation.

(2) Wherever appropriate in furtherance of the purposes of this chapter, the Secretaries are authorized and encouraged to utilize the Volunteers in the Parks Act of 1969 [16 U.S.C. 18g et seq.], the Volunteers in the Forests Act of 1972 [16 U.S.C. 558a et seq.], and section 4607-8 of this title (relating to the development of Statewide Comprehensive Outdoor Recreation Plans).

(b) Scope of volunteer work

Each Secretary or the head of any Federal land managing agency may assist volunteers and volunteer organizations in planning, developing, maintaining, and managing trails. Volunteer work may include, but need not be limited to—

(1) planning, developing, maintaining, or managing (A) trails which are components of the national trails system, or (B) trails which, if so developed and maintained, could qualify for designation as components of the national trails system; or

(2) operating programs to organize and supervise volunteer trail building efforts with respect to the trails referred to in paragraph (1), conducting trail-related research projects, or providing education and training to volunteers on methods of trails planning, construction, and maintenance.

(c) Use of Federal facilities, equipment, tools, and technical assistance

The appropriate Secretary or the head of any Federal land managing agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal land managing agency deems necessary or desirable.

(Pub. L. 90-543, §11, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 49.)

REFERENCES IN TEXT

The Volunteers in the Parks Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91-357, July 29, 1970, 84 Stat. 472, as amended, which is classified generally to subchapter II (§18g et seq.) of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 18g of this title and Tables.

The Volunteers in the Forests Act of 1972, referred to in subsec. (a)(2), probably means the Volunteers in the

National Forests Act of 1972, Pub. L. 92-300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

§ 1251. Definitions

As used in this chapter:

(1) The term “high potential historic sites” means those historic sites related to the route, or sites in close proximity thereto, which provide opportunity to interpret the historic significance of the trail during the period of its major use. Criteria for consideration as high potential sites include historic significance, presence of visible historic remnants, scenic quality, and relative freedom from intrusion.

(2) The term “high potential route segments” means those segments of a trail which would afford high quality recreation experience in a portion of the route having greater than average scenic values or affording an opportunity to vicariously share the experience of the original users of a historic route.

(3) The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Northern Mariana Islands, and any other territory or possession of the United States.

(4) The term “without expense to the United States” means that no funds may be expended by Federal agencies for the development of trail related facilities or for the acquisition of lands or interests in lands outside the exterior boundaries of Federal areas. For the purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Fund Act of 1965 [16 U.S.C. 4607-4 et seq.] or any other provision of law shall not be treated as an expense to the United States.

(Pub. L. 90-543, §12, as added Pub. L. 98-11, title II, §210, Mar. 28, 1983, 97 Stat. 50.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in par. (4), is Pub. L. 88-578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§4607-4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 4607-4 of this title and Tables.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

CHAPTER 27A—NATIONAL RECREATIONAL TRAILS FUND

Sec.

1261.

National recreational trails funding program.

- (a) In general.
- (b) Statement of intent.
- (c) State eligibility.
- (d) Allocation of moneys in Fund.
- (e) Use of allocated moneys.
- (f) Coordination of activities.